REMARKS

In the present Office Action, dated August 12, 2005, claims 1-43 are pending in the Application, and these same claims have been rejected. Specifically, claims 22 and 24 have been rejected under 35 U.S.C. § 112 ¶ 1; claims 1-15, 17-20, 25-33, and 39-41 have been rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Pat. No. 5,903,816 (Broadwin et al.); claims 16, 21, 23, 36, and 37 have been rejected under 35 U.S.C. § 103(a) as unpatentable over Broadwin in view of U.S. Pat. App. No. 2005/0097619 (Haddad); claims 22, 24, and 38 have been rejected under § 103(a) as unpatentable over Broadwin in view of Haddad and further in view of U.S. Pat. App. No. 2004/0083184 (Tsuei); claims 34 and 35 have been rejected under § 103(a) as unpatentable over Broadwin in view U.S. Pat. App. No. 2004/0250282 (Bankers); and claims 42 and 43 have been rejected under § 103(a) as unpatentable over Broadwin in view of U.S. Pat. App. No. 2002/0124252 (Schaefer).

The Applicants thank the Examiner for the thorough feedback regarding the patentability of claims 1-43, but Applicants submit that claims 1-43 patentably define over the cited art in view of the following remarks. Also, as a preliminary matter, Applicants have taken the opportunity in this response to clarify the recitation of claims 11, 12, and 18.

Rejection of Claims 1-43 Under 35 U.S.C. § 112, ¶ 1

Claims 22 and 24 have been rejected as failing to comply with the enablement requirement. Specifically, the Examiner states in the Office Action that "the customer I.D. number includes the permission level ... and thus generating the second sensitive area ... cannot take place without the permission level associated with said customer I.D. that has not yet been entered." (Office Action, p. 2). Applicants turn to the Specification to shed further light on claims 22 and 24:

> In certain applications, it may be desirable to provide a plurality of customer I.D. numbers, providing a separate number for each member of a household. The separate numbers may include a variety of permission levels. Interactive television client application program instructions generating sensitive areas for various purchase transactions and interactive ad displays may include category indicators corresponding to the various permission levels. Thus, a customer I.D. number having the highest permission level may initiate transactions for all types of purchases and interactive ad activities. Customer I.D. numbers having lower permission levels may be limited in the types of purchase transactions and ad activities. For example, certain purchase transactions involving large dollar amounts may not accept purchase

> requests from customer I.D. numbers with lower permission levels. Also, certain interactive ad activities may not accept activation by customer I.D. numbers representing children below a certain age.

(Specification, paragraph 0067). Thus, as is clear from above, "generating the second sensitive area" is distinct from the notion of "permission levels associated with said customer I.D.[s]", since it is the client application program instructions that generate sensitive areas for various purchase transactions and interactive ad displays. Once the sensitive areas are generated, the customer I.D. numbers and the associated permission levels may be processed.

Rejection of Claims 1-43 Under 35 U.S.C. § 102(b) and § 103(a)

Claims 1, 11, 12, 14, 15, 16, 17, 18, 19, 21, 23, 25, 26, and 27 are the independent claims. For example, claim 1 recites:

> A method for generating a datastream at a control location for implementing an interactive television application at a viewer location, comprising:
> receiving a first video signal constituting a primary image;
> receiving a second video signal constituting a secondary image;
> combining the first and second video signals to form a broadcast video signal representing a composite of the primary and secondary images;
> receiving a specification of a predetermined location in at least one of the primary and secondary image as a specified portion of the composite image;
> generating instructions to form an interactive television client application program which renders the specified portion of the composite image as a location for a sensitive area; and
> outputting the instructions and the broadcast video signal for transmission to a customer location.

Specifically, the third element of claim 1, above, recites "*a composite* of the primary and secondary *images*" (emphasis added).

Broadwin et al. does not disclose such a *composite of images*. What Broadwin et al. actually discloses is combination of an audio/video source 102 and application code and data from an application server 104, which amounts to an audio-video-interactive (AVI) signal (col. 4, l. 55 to col. 5, l. 23, and Figure 1). But this AVI signal does not contain "a composite of ... images". It merely contains the combination one type of source and another type of source, but not a composite of two tokens (primary image and secondary image) of the same type of source (images).

Thus, it is inaccurate to conclude, per the Office Action, that "a first video signal" corresponds to "an audiovisual content" *and* "a second video signal" corresponds to an "interactive application content" (Office Action, p. 3). The second video signal is patentably distinct from the interactive application content.

Broadwin discloses that the audiovisual content "may also be supplied by a remote network 170 or a live feed, as desired" (col. 4, ll. 65-67). However, this does not disclose that the AVI signal would contain "a composite of [a] primary image and [a] secondary image" (along with "instructions to form an interactive television client application program") (claim 1).

What Broadwin discloses is the combination of an interactive application content which corresponds to (and which is to be synchronized with) an audio visual content to produce an audio-video-interactive (AVI) signal, but this AVI signal does not envision having a composite of a primary and secondary images.

The primary and secondary images are a composite, and in one aspect of the presently disclosed subject matter, may have the following implementation:

> [A] primary image having a video display area 102 in which is displayed the video, such as full-motion video...[versus] a secondary image having a matte frame area 104 comprising a border area having pleasing color and appearance

(Specification, paragraphs 0050 and 0051). It is this composition of distinct images that can then be displayed as, for example, a "splash" screen. In short, the AVI signals of Broadwin do not disclose such compositional ability.

None of the other references, Haddad, Tsuei, Bankers, or Schaefer were cited for allegedly disclosing the aforementioned limitation missing in Broadwin. Nor do these references disclose this limitation anywhere. Therefore, all of the cited art does not anticipate nor render obvious the limitation of "a composite of the primary and secondary images" (claim 1).

All the other independent claims, claims 11, 12, 14, 15, 16, 17, 18, 19, 21, 23, 25, 26, and 27 also recite the limitation, in one form or another, of "a composite of the primary and secondary images." Furthermore, dependent claims 2-10, 13, 20, 22, 24, 28-43, depend either directly or indirectly from the independent claims, and thus are considered allowable for the same reasons. Accordingly, Applicants submit that claims 1-43 patentably define

over the cited art. Withdrawal of the rejected claims and allowability of the newly introduced claims is thus earnestly solicited.

CONCLUSION

Applicants believe that the present Amendment is responsive to each of the points raised by the Examiner in the Office Action, and submits that claims 1-43 of the application are in condition for allowance. Favorable consideration and passage to issue of the application at the Examiner's earliest convenience is earnestly solicited.

Date: November 16, 2005

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